

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>07-599</u>
v.	:	DATE FILED: <u>9/25/07</u>
HAROLD BENSON, a/k/a "Champ"	:	VIOLATIONS:
	:	18 U.S.C. § 2118(d)(conspiracy to commit
	:	robbery involving controlled substances -
	:	1 count)
	:	18 U.S.C. § 2118(a), (c)(1)(robbery
	:	involving controlled substances - 1
	:	count)
	:	18 U.S.C. § 924(c) (carrying and
	:	using a firearm during and in relation to
	:	crime of violence - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. At all times relevant to this indictment, the Henry Avenue Pharmacy, located at 5830 Henry Avenue, Philadelphia, Pennsylvania, was a pharmacy owned and/or operated by a person or persons registered with the Drug Enforcement Administration under Section 302 of the Controlled Substances Act (21 U.S.C. § 822).

2. On or about January 13, 2007, in Philadelphia, in the Eastern District of Pennsylvania, defendant

HAROLD BENSON,
a/k/a "Champ,"

conspired and agreed, with others, known and unknown to the grand jury, to knowingly and intentionally take and attempted to take from the person and presence of another by force and violence and by intimidation materials and compounds, each of which contained a quantity of a controlled substance and belonged to and were in the care, custody, control, and possession of the Henry Avenue Pharmacy, by means of assaulting or putting in jeopardy the life of a person by the use of a dangerous weapon and device, in violation of Title 18, United States Code, Section 2118(a), (c)(1).

MANNER AND MEANS

It was part of the conspiracy that:

1. Defendant HAROLD BENSON and others planned and executed the robbery of the Henry Avenue Pharmacy to obtain cash and prescription drugs.
2. In the commission of the robbery of the Henry Avenue Pharmacy, defendant HAROLD BENSON, and others known and unknown to the grand jury:
 - a. armed themselves with firearms;
 - b. drove together to the victim business;
 - c. concealed their identities by covering their faces;
 - d. entered the victim business brandishing firearms, and then threatened to injure and kill an employee to obtain money, prescription drugs, and other controlled substances;
 - e. assaulted an employee of the Henry Avenue Pharmacy; and
 - f. after obtaining the cash proceeds and controlled substances from the Henry Avenue Pharmacy, fled, split the cash proceeds, and used and distributed the drugs.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, defendant HAROLD BENSON and others known and unknown to the grand jury committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere:

On or about January 13, 2007:

1. Defendant HAROLD BENSON and others known to the grand jury disguised their appearance.
2. Defendant HAROLD BENSON, who was armed with a sawed-off shotgun, and two others known to the grand jury, one of whom was armed with a with a handgun, entered the Henry Avenue Pharmacy, located at 5830 Henry Avenue in Philadelphia, Pennsylvania.
3. At gunpoint, defendant HAROLD BENSON demanded controlled substances from a store employee at point of shotgun.
4. When the store employee attempted to push aside the shotgun, defendant HAROLD BENSON fired the weapon causing the employee to loose three fingers from his left hand.
5. Defendant HAROLD BENSON and others known to the grand jury stole approximately \$8,276 in controlled substances and \$5,000 in cash and checks.
6. Defendant HAROLD BENSON and others known to the grand jury fled the store.
7. Defendant HAROLD BENSON and others known to the grand jury divided the proceeds of the robbery.

All in violation of Title 18, United States Code, Section 2118(d).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 13, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HAROLD BENSON,
a/k/a “Champ,”**

knowingly and willfully took and attempted to take, and aided and abetted the taking, from the person and presence of another by force and violence and by intimidation, materials and compounds, each of which contained a quantity of a controlled substance. The stolen materials and compounds belonged to and were in the care, custody, control, and possession of the Henry Avenue Pharmacy, a pharmacy owned and/or operated by a person or persons registered with the Drug Enforcement Administration under Section 302 of the Controlled Substances Act (21 U.S.C. § 822). In committing this offense, defendant BENSON put in jeopardy and aided and abetted the putting in jeopardy of the life of a person by the use of a dangerous weapon and device.

In violation of Title 18, United States Code, Sections 2118(a), (c)(1), and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 13, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**HAROLD BENSON,
a/k/a "Champ,"**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, conspiracy to commit robbery involving controlled substances, and robbery involving controlled substances, in violation of Title 18, United States Code, Sections 2118(a), (c)(1), (d) and 2.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

A TRUE BILL:

FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**